

REMARKS

Applicants' Response to Examiner's Response to Arguments

The Examiner states in response to Applicants' argument (page 4, 5th paragraph) that Burns does not teach a content processing center, the cited content processing server (content server 52 in figure 2 in Burns) is for processing media content (as shown by Burns in col. 5, line 66 - col. 6, line 7 and col. 9, lines 35-48, wherein, according to the Examiner, the retrieval and transmission of content to the cache server requires the content to be processed, this is a fundamental aspect of computing devices, as acting on data is to process it) and serves the media content in the form of video, audio, and text (col. 5, line 66 - col. 6, line 1).

Applicants respectfully contend that nothing in element 52 in figure 2 of Burns nor in col. 5, line 66 - col. 6, line 7 and col. 9, lines 35-48 suggest, teach or imply the content processing center as defined in the instant claims which is coupled for receiving the media content from the source of media content and for processing the received media content to generate a streaming media presentation comprising integrated static HTML pages and encoded video, audio and metadata as required in element 2 of claim 1. Further, Applicants respectfully contend that nothing in col. 5, line 66 - col. 6, line 1 cures the above recited deficiency.

For these reasons, Applicants respectfully maintain their position with regard to the failure of Burns to suggest, teach or imply the content processing center as defined in element 2 of claim 1.

The Examiner has, in response to Applicants' argument (page 4, 5th paragraph), stated that Burns does not teach a content processing center coupled for receiving the media content from the source of the media content and for processing the received media content to generate a streaming media representation system. The Examiner points out that Lumley discloses the source of media content at element 14 in figure 1 and col. 4, line 66 – col. 5, line 18 comprising video, audio and textual content at col. 5, lines 34-35 for distributing various promotional materials to multiple users as set out in col. 5, lines 19-35 according to the Examiner. The Examiner reasons that Burns discloses the content processing center content server 52 in figure 2 for processing media content (col. 5, line 66 – col. 6, line 7 and col. 9, lines 45-48) as described above and serves the media content in the form of video, audio and text at col. 5, line 66 – col. 6, line 1 to generate a streaming media presentation comprising integrated static HTML pages (since the content server multicasts HTML pages the Examiner reasons that it inherently generates the plural HTML pages as seen at col. 6, lines 1-7 and encoded video, audio (the media content including audio and video data associated with the HTML pages at col. 9, lines 45-48 has to

inherently be formatted/encoded for suitable transmission) and metadata (hyperlinks for hypermedia document to various data items such as video and audio at col. 6, lines 1-7 and col. 9, lines 42-50, according to the Examiner).

Although with respect, Applicants do not necessarily agree that Lumley discloses the source of media content at label 14 in figure 1 and col. 4, line 66 – col. 5, line 18 and that it comprises video, audio and textual content, as referred to in col. 5, lines 34-35, for distributing various promotional materials to multiple users as set out in col. 5, lines 19-35, in addition to Burns residing in a different search class, i.e. 370, from Lumley 705, 725, Burns is directed to a network system including the content provider, not a content processing server, employing the Internet as a primary network and satellite as a secondary network, whereas Lumley is directed to a promotional video system wherein a promotional event log is analyzed to determine if promotional material is being optimally selected and wherein changes are made employing selected algorithms to increase the likelihood of a desirable selection and to decrease the likelihood of an undesirable selection. It is Applicants' position that Burns resides in a non-analogous art from Lumley and there is neither suggestion, implication or motivation to combine Burns with Lumley in the manner suggested by the Examiner. It is further respectfully noted by Applicants that Lumley is in no way concerned with streaming data nor does it employ or suggest for employment a cache so that it is unlikely for the above recited reasons in addition to these that anyone skilled in the art would be motivated to combine the two references as suggested by the Examiner. For these reasons, Applicants respectfully maintain their position with regard to the absence of element 2 of claim 1 and further state that nothing in label 52 in figure 2, col. 5, line 66 – col. 6, line 7, and col. 9, lines 35-48 nor col. 5, line 66 – col. 6, line 1, and further col. 6, lines 1-7, in addition to col. 9, lines 45-48, and col. 6, lines 1-7 and col. 9, lines 42-50 relied upon by the Examiner cure the above recited deficiencies.

In response to Applicants' arguments at page 5, 1st paragraph that Burns does not teach, suggest or imply generating a streaming media presentation comprising integrated static HTML pages and encoded video, audio and metadata, the Examiner cites col. 6, lines 1-7, wherein, according to the Examiner, Burns inherently discloses generating a streaming media presentation comprising integrated static HTML pages by disclosing that the content server multicasts HTML pages. Further, the Examiner contends that Burns discloses that the content processing center (content server – 52 in figure 2) serves the media content in the form of video, audio and text and relies on col. 5, line 66 – col. 6, line 1, wherein the HTML pages are also stream along with associated audio and video content (said content is then stored in CMS 126, as stated in col. 9, lines 45-58 and lines 56-65).

Applicants respectfully take issue that Burns inherently discloses generating a streaming media presentation as suggested by the Examiner and further find that nothing in

col. 6, lines 1-7, label 52 in figure 2, nor col. 5, line 66 – col. 6, line 1, further considered with col. 9, lines 45-58 and lines 56-65, cure this deficiency. For these reasons, Applicants respectfully maintain their position with respect to this assertion.

In response to Applicants' argument (page 5, 2nd paragraph) that Burns does not teach, suggest or imply a satellite for transmitting the streaming media presentation, Applicants' attention is directed by the Examiner to network 54 as being a high bandwidth network, described at col. 6, lines 16-19, that is connected to the content server 52 that provides audio, video and other multimedia, citing col. 5, line 65 – col. 6, line 2. Furthermore, the Examiner contends that network 54 might be implemented as satellite, citing col. 6, lines 22-27 and, therefore, the Examiner concludes that network 54 is a satellite for transmitting streaming media presentation as required by the claim.

Applicants respectfully submit that element 54 as defined at col. 6, lines 16-19, element 52 as defined in col. 5, line 65 – col. 6, line 2, nor the disclosure at col. 6, lines 22-27 with regard to element 54, teach the content processing center as defined in element 2 of claim 1. Applicants respectfully maintain their position with regard to this rejection.

In response to Applicants' argument at page 5, 4th paragraph that Burns does not teach, suggest or imply a cache server for receiving and storing the transmitted streaming media presentation, the Examiner cites col. 6, lines 56-65, wherein, according to the Examiner, Burns discloses a cache server (72 in figure 2) having a storage (78 in figure 2) and caches Internet resources/media presentation requested by the subscribers as disclosed at col. 9, lines 56-65.

Although Applicants respectfully do not necessarily agree that the cache as labeled 72 in figure 2 having a storage 78 in figure 2 comprises a cache server as required in element 4 of claim 1 or that Internet resources/media presentation requested by the subscribers as disclosed at col. 9, lines 56-65, Burns as hereinafter submitted does not suggest, teach or imply the source of media content, the content processing server, the satellite for transmitting, the cache server nor the client personal computers as defined elements 1-5 of claim 1.

For these reasons, Applicants respectfully maintain their position with regard to this rejection.

In response to Applicants' argument (page 4, 5th paragraph) that Burns does not teach, suggest or imply one or more client computers coupled to the cache server that each comprise browser software for accessing the streaming media presentation, the Examiner cited col. 6, lines 48-65, wherein Burns discloses one or more client computers (58 and 60 in figure 2) coupled to the cache server (connected to the ISP 56) which, according to the Examiner, comprises the cache server (col. 6, lines 48-50) each inherently comprising a

browser software (col. 8, lines 5-15) for accessing the streaming media presentation, because a browser is used for accessing information from a web page.

Although Applicants do not necessarily agree that Burns discloses one or more client computers at the recitations relied upon by the Examiner coupled to the cache server, nor that the recitations at col. 6, lines 48-50 each inherently comprises a browser software, further disclosed at col. 8, lines 5-15, for accessing the streaming media, Applicants respectfully contend that the fifth element of claim 1, calling for one or more client personal computers coupled to the cache server that each comprise browser software for accessing the streaming media presentation stored on the cache server and displaying the streaming media presentation, is not taught, suggested or implied in Burns at the recited passages relied upon by the Examiner.

It is for this reason that Applicants respectfully maintain their position with regard to this rejection.

In response to Applicants' argument at page 6, 3rd paragraph that Lumley does not teach, suggest or imply a source of media content comprising video, audio and textual content, the Examiner cited col. 5, lines 1-18 wherein, according to the Examiner, Lumley discloses a source of media content (promotional material data source – 14 in figure 1) comprising video, audio and textual content (promotional material includes any desired combination of text, graphics, audio and video – col. 5, lines 34-35).

Applicants respectfully submit that nothing in col. 5, lines 1-18, primarily directed to the preferability of a satellite link, nor anything in col. 5, lines 34-35, directed to promotional material which may include text, graphics, audio or video, nor element 14 in figure 1 suggests, teaches or implies the media content as defined in elements 1 and 2 of claim 1. Furthermore, Applicants respectfully contend that it is highly unlikely that one of ordinary skill in the art would be motivated to combine Lumley, which is noticeably absent in employing a cache and streaming media as required in claim 1, with Burns to effectively reject the instant claims.

In response to Applicants' argument at page 6, 4th paragraph that there is no suggestion to combine Burns with Lumley, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In the case, according to the Examiner, the cited benefit of distributing various promotional materials to multiple users is expressly recited in Lumley, citing col. 5, lines 19-35.

Although Applicants respectfully disagree that the recitations as relied upon by the Examiner at col. 5, lines 19-35 cite benefits of distributing various promotional materials to multiple users, this does little to cure the deficiencies as noted above with regard to element 1 of claim 1, directed to the source of media content, as well as element 2, in addition to the other distinctions drawn above by Applicants.

Furthermore, Applicants respectfully contend as hereinabove recited that in addition to different search classes, which Applicants understand is for ease of searching the prior art, nevertheless, one of ordinary skill in the art would not be motivated to combined the teachings of Burns with Lumley for reasons recited above which are hereby respectfully incorporated by reference.

In response to Applicants' argument (page 7, 5th paragraph) that Omoigui does not teach, suggest or imply a searchable streaming media presentation using metadata integrated with video and audio, the Examiner cites paragraph 22, lines 1-7 wherein, according to the Examiner, Omoigui discloses a streaming media presentation (paragraph 19, lines 1-7) that is searchable using the metadata (descriptive presentation information) integrated with the video and audio (paragraph 22, lines 1-7) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

Applicants respectfully submit that nothing at paragraph 22, lines 1-7, paragraph 19, lines 1-7 and paragraph 22, lines 5-7, all of which relate to searching for a particularly live content broadcast, in any way teaches, suggests or implies element 2 of claim 1 directed to "generate a streaming media presentation comprising integrated static HTML pages and encoded video, audio and metadata", nor element 1 of said claim directed to "a source of media content comprising video, audio and textual content" in addition to the other distinctions noted above.

It is for these reasons that Applicants respectfully maintain their position with regard to this rejection.

In response to Applicants' argument (page 7, 6th paragraph) that there is no suggestion to combine Omoigui with Burns and Lumley, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited benefit of searching for a particular media presentation as expressly recited in Omoigui, according to the Examiner set out in paragraph 22, lines 5-7.

Applicants respectfully submit that this recitation, directed to searching for particularly live broadcast content, neither suggests, teaches nor implies the elements of

the instant invention nor is there any suggestion in Omoigui or the other references to combine in the manner suggested by the Examiner or any motivation to one of ordinary skill in the art to do so.

In response to Applicants' argument (page 8, 1st paragraph) that Omoigui does not appear to be an effective reference since it is a publication based on an earlier filed patent application which apparently has not been published or granted, see MPEP 2163.02 (should be 2136.02) which describes Office policy regarding the applicability of a pre-grant publications as prior art. Furthermore, the Examiner contends as stated in the MPEP 2163.02 "It is the earliest effective U. S. filing date (which will include certain international filing dates) of the U. S. patent or application publication being relied on as the critical reference date..." It is the earliest effective U. S. filing date of the Omoigui publication upon which the Office relies upon as the effective date of the publication.

Applicants respectfully submit that although it is not apparent that the teachings relied upon by the Examiner in the Omoigui publication were present in an earlier filed patent application which apparently had not been published, Applicants acknowledge that if the same were true, the Omoigui publication would be entitled to the filing date of the earlier filed application which was not published. Applicants respectfully note, however, that MPEP 2163.02, directed to the standard for determining compliance with the written description requirement, does not support the above position taken by the Examiner and have supplied the pertinent MPEP section above.

In response to Applicants' argument (page 9, 1st paragraph) that Nagai does not teach, suggest or imply converting the dynamic HTML page into a static HTML page, the Examiner cites col. 7, lines 50-52 wherein, according to the Examiner, Nagai discloses converting dynamic contents into a static HTML page (obtain a static HTML content from dynamic contents – col. 7, lines 50-52). The dynamic contents of Nagai, according to the Examiner, constitute at least one dynamic HTML page in that an HTML page is a set of HTML contents. The Examiner concludes that since Nagai discloses that a set of HTML contents are converted to a set of static HTML contents, Nagai clearly discloses converting a dynamic HTML page into a static HTML page.

Applicants respectfully submit that they do not necessarily agree that Nagai clearly discloses converting a dynamic HTML page to a static HTML page, as contended by the Examiner, nevertheless, Nagai does not disclose, teach or imply selectively processing graphics and text associated with a streaming media presentation as required by element 1 of claim 3, nor processing video and audio to extract metadata as set out in element 2 of claim 3, nor integrating in element 3 of claim 3, transmitting in element 4 of claim 3, nor of accessing as set out in element 5 of claim 3.

In response to Applicants' argument (page 9, 1st paragraph) that there is no suggestion to combine Burns and Nagai, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the cited benefit of generating a static digest/summary of a multimedia from a plurality of media data as expressly recited in Nagai, citing col. 6, lines 39-43 and col. 7, lines 50-52.

Although Applicants do not necessarily agree that the cited benefit of generating a static digest/summary of a multimedia from a plurality of media data is expressly recited in Nagai at col. 6, lines 39-43 and col. 7, lines 50-52, Applicants respectfully contend that there is no suggestion in either of the Burns reference or the Nagai reference that they be combined nor would there be any motivation for one of ordinary skill in the art to combine Burns, directed to a content provider employing as a primary network the Internet and a secondary network, a satellite, which streams data continuously in real time, to Nagai, directed to a data processing apparatus and storage medium which is directed to processing contents made of a plurality of media data sets and generating, for example, a digest of the contents.

Applicants respectfully submit that nothing in the cited case law nor in col. 6, lines 39-43 or col. 7, lines 50-52 cure this deficiency.

Claim Rejections

The Examiner has rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Burns (U. S. 5,991,306) in view of Lumley (U. S. 6,588,013).

The Examiner states considering claim 1, Burns discloses a streaming media publishing system (figure 2) comprising: a content processing center (content server – 52 in figure 2) for processing the media content (col. 5, line 66 – col. 6, line 7 and col. 9, lines 35-48) to generate a streaming media presentation comprising integrated static HTML pages (since the content server multicasts HTML pages, it inherently generates the HTML pages (col. 6, lines 1-7) and encoded video, audio (the media content has to inherently be formatted/encoded for suitable transmission) and metadata (hyperlinks for hypermedia document to various data items, such as video and audio – col. 6, lines 1-7 and col. 9, lines 42-50); a satellite for transmitting the streaming media presentation (54 in figure 1 and col. 6, lines 22-25); a cache server (72 figure 2) for receiving and storing the transmitted streaming media presentation (col. 6, lines 56-65); client personal computers (58 and 60 in figure 2) coupled to the cache server comprising browser software for accessing the

streaming media presentation stored on the cache server and displaying the streaming media presentation (col. 6, lines 48-55).

The Examiner further submits that Burns further discloses that the processing center (52 in figure 6) serves content in the form of video, audio and text (col. 5, line 66 – col. 6, line 1). However, the Examiner acknowledges that Burns fails to specifically disclose a particular source for the media content.

The Examiner goes on to state in analogous art, Lumley discloses a source of media content (14 in figure 1 and col. 4, line 66 – col. 5, line 18) comprising video, audio and textual content (col. 5, lines 34-35) for distributing various promotional materials to multiple users (col. 5, lines 19-35).

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify Burns' system to include a source of media content, as taught by Lumley, for the benefit of distributing various promotional materials to multiple users (col. 5, lines 19-35).

Applicants again respectfully submit that in Figure 2 there is shown a public network system 50 which includes multiple content servers as represented by content server 52 which stores content over a network 54. The content server 52 serves content in the form of text, audio, video, graphic images and other multimedia data. Applicants respectfully submit this is also stated in col. 5, line 66 – col. 6, line 1, and further in col. 6, lines 1-7, where it is stated "In the Internet context, the content servers might represent Web sites which serve or multicast content in the form of hypermedia documents (e.g., Web page) which link text, images, sounds, and actions in a web of associations that "permit a user to browse through related topics, regardless of the presented order of the topics."

Applicants again respectfully submit at col. 9, lines 35-48 there is disclosed "At the scheduled time, a media loader 122 sends a request to the content server on the Internet and receives the content from that content server (step 156 in Fig. 5). The content is stored locally at the local service provider (step 158). More particularly, the data comprising the target resource is stored as a proxy file in the cache memory 124, and any continuous data content (e.g., audio or video data) is stored in the continuous media server 126. In the Web context, the content might be in the form of a Web page or other hypermedia document that has hyperlinks to various data items, such as audio and/or video clips. The hypermedia document itself is stored in the cache memory 124, while the audio and video clips referenced by the hyperlinks are stored in the CMS 126."

Applicants have recited the teachings of col. 6, lines 1-7 relating to "content servers might represent Web sites which serve or multicast content in the form of hypermedia documents (e.g., Web page) which link text, images, sounds, and actions in a web of associations that permit a user to browse through related topics..." Applicants respectfully

submit that at col. 9, lines 42-50 there is disclosed "In the Web context, the content might be in the form of a Web page or other hypermedia document that has hyperlinks to various data items, such as audio and/or video clips. The hypermedia document itself is stored in the cache memory 124, while the audio and video clips referenced by the hyperlinks are stored in the CMS 126. The target specifications corresponding to the links in the cached hypermedia document are modified to reference the audio and video files in the CMS 126, as opposed to the files maintained at the Web site (step 160 in Figure 5)." Applicants respectfully submit that at col. 6, lines 22-25 it is stated "The network 54 might be implemented using various physical mediums, including wirebased technologies (e.g., cable, telephone lines, etc.) and wireless technologies (e.g., satellite, cellular, infrared, etc.)." In label 72, Figure 2, there is disclosed "The ISP 56 also has a cache server 72 and a continuous media server (CMS) 74. The cache server 72 is configured as a conventional database server having processing capabilities, including a CPU (not shown), and storage 78. As one example, the cache server 72 is implemented as a SQL (Structure Query Language) database. The cache server 72 caches Internet resources, such as those requested by subscriber computers 58, 60, that have been downloaded from the content provider 52 to allow localized serving of those resources."

In labels 58 and 60 of Figure 2, as disclosed at col. 6, lines 48-55, there is recited "The subscriber personal computers (PCs) 58 and 60 are individually connected to the ISP 56 by permanent or sessional dial-up connections. Conventional telephone or cable lines and compatible modems are used to form the connections 66, 68. Examples of suitable "technologies include HFC, ISDN, POTS, and ADSL. The ISP 56 has network terminal switching equipment 70 to accommodate the connections to the subscriber PCs 58, 60."

Applicants again respectfully submit that in label 52 of Figure 6 there is recited, as is found in col. 5, line 66 - col. 6, line 1, "The content server 52 serves content in the form of text audio, video, graphic images, and other multimedia data."

Applicants again respectfully acknowledge the Examiner's admission that Burns fails to specifically disclose a particular source for the media content.

In Lumley at label 14 of Figure 1 and as recited in col. 4, line 66 – col. 5, line 18 there is recited "Main facility 12 provides promotional material and television program listings from promotional material data source 14 to television distribution facility 16 via communications link 18. There are preferably numerous television distribution facilities 16, although only one such facility is shown in Fig. 1 to avoid over-complicating the drawing. Link 18 is preferably a satellite link, but may be a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable satellite based or terrestrial wired or wireless communications link. If it is desired to transmit video signals over link 18 in addition to data signals, a relatively high bandwidth link such as a

satellite link may generally be preferred to a relatively low bandwidth link such as a telephone line. Television distribution facility 16 may be any suitable television distribution facility (e.g., a cable system headend, a broadcast distribution facility, a satellite television distribution facility, or any other suitable distribution facility)." Further, Applicants submit that at col. 5, lines 34-35 there is recited "The promotional material may include any desired combination of text, graphics, audio, and video." Further, Applicants submit that at col. 5, lines 19-35 there is a broad-ranging discussion of the promotional material provided by main facility 12 which may be provided to television distribution facility 16 as a continuous data stream....The promotional material distributed within system 10 may include any suitable type of promotional material. It may include promotions of local, regional or national events. It may also include pay-per-view promotions and subscription information, premium channel (e.g., HBO or CNN) promotions or any suitable advertisement. The promotional material may include any desired combination of text, graphics, audio and video.

Applicants again respectfully submit that in addition to the admitted conspicuous absence of the Burns reference failing to specifically disclose a particular source for the media content, Burns does not teach a content processing center which is submitted by the Examiner to be content server 52 in Figure 2 as explained in col. 5, line 66 – col. 6, line 7 and col. 9, lines 35-48. Further, Applicants respectfully submit that Burns does not teach a content processing center coupled for receiving the media content from the source of the media content and for processing the received media content to generate a streaming media presentation comprising integrated static HTML pages and encoded video, audio and metadata as required by element 2 of claim 1. Applicants respectfully disagree with the Examiner's contention that since the content server multicasts HTML pages, it inherently generates the HTML pages as relied upon by the Examiner at col. 6, lines 1-7. Applicants respectfully submit that this recitation as stated at col. 6, line 1 is "In the Internet context, the content servers might represent Web sites which serve or multicast content in the form of hypermedia documents (e.g., Web page) which link text, images, sounds, and actions in a web of associations that permit a user to browse through related topics, regardless of the presented order of the topics." Applicants respectfully take the position that this does not teach, suggest or imply generating a streaming media presentation comprising integrated static HTML pages and encoded video, audio and metadata as required inter alia in element 2 of claim 1.

Furthermore, Applicants again respectfully submit that in Burns, as is seen in col. 11, line 50 et seq., "The network system 200 attacks the latency problem of streaming video and audio data by supplementing the primary Internet distribution network with a second network which is not reliant on the Internet/ISP connection." The difference

between the two systems is that network system 200 of Figure 6 has an additional secondary network 202 for distributing content from the content server 52 of the ISPs 56. In the illustrated implementation, the secondary network 202 is a broadcast satellite network. As seen in Figure 6 and accompanying disclosure at col. 11, line 49 et seq., the primary network is the Internet 54 which has a secondary network 202 recited to be a broadcast satellite network. "The content provider 52 has a transmitter 204 which sends signals to an orbiting satellite 206, which redirects the signals to an ISP-based receiver 208." Applicants respectfully contend this does not teach, suggest or imply a satellite for transmitting the streaming media presentation as required by element 3 of claim 1.

Furthermore, Applicants again respectfully submit that the cache server, as contended by the Examiner, label 72 in Figure 2 and the accompanying disclosure at col. 6, lines 56-65, does not teach, suggest or imply a cache server for receiving and storing the transmitted streaming media presentation as required by element 4 of claim 1. Applicants respectfully contend that in col. 6, lines 56-65, it is stated "The cache server 72 is configured as a conventional database server having processing capabilities, including a CPU (not shown), and storage 78....The cache server 72 caches Internet resources, such as those requested by subscriber computers 58, 60, that have been downloaded from the content provider 52 to allow localized serving of those resources."

Furthermore, Applicants again respectfully contend that client personal computers 58 and 60 in Figure 2 and the accompanying discussion at col. 6, lines 48-55 do not teach, suggest or imply one or more client personal computers coupled to the cache server that each comprise browser software for accessing the streaming media presentation stored on the cache server and displaying the streaming media presentation as required by element 5 of claim 1. Therein, Applicants respectfully contend there is taught "The subscriber personal computers (PCs) 58 and 60 are individually connected to the ISP 56 by permanent or sessional dial-up connections. Conventional telephone or cable lines and compatible modems are used to form the connections 66, 68. Examples of suitable technologies include HFC, ISDN, POTS, and ADSL. The ISP 56 has network terminal switching equipment 70 to accommodate the connections to the subscriber PCs 58, 60."

Finally, Applicants again respectfully submit that label 52 in Figure 6 and the accompanying discussion at col. 5, line 66 – col. 6, line 1 does not teach, suggest or imply the processing center as set out in element 2 of claim 1 but merely discloses the content server 52 serves content in the form of text, audio, video, graphic images, and other multimedia data.

Applicants again respectfully submit that in Lumley on label 14 in Figure 1 and the accompanying discussion at col. 4, line 66 – col. 5, line 18 there is disclosed "promotional material and television program listings from promotional material data source 14 to

“television distribution facility 16 via communications link 18...Link 18 is preferably a satellite link, but may be a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable satellite based or terrestrial wired or wireless communications link.” Applicants respectfully submit that this does not teach, suggest or imply a source of media content comprising video, audio and textual content as in element 1 of claim 1 which is received by content processing center as in element 2 of claim 1, transmitted by a satellite as in element 3 of claim 1, to a cache server as in element 4 of claim 1, and then accessed by one or more client personal computers as in element 5 of claim 1. Applicants respectfully submit that this deficiency is not remedied by the disclosure of col. 5, lines 34-35, nor at col. 5, lines 19-35 which appear to be directed to the promotional materials provided by main facility 12 which may be provided to television distribution facility 16 as a continuous data stream.

Applicants again therefore respectfully disagree that it would have been obvious to one of ordinary skill in the art to modify Burns' system to include a source of media content, as taught by Lumley, for the benefit of distributing various promotional materials to multiple users. Applicants further submit that Burns, directed to a network system which includes a content provider connected to local service providers via an interactive distribution network such as the Internet, wherein the Internet is definitely the primary network and a satellite is a secondary network 202 “for distributing content from the content server 52 to the ISPs 56”, is not properly combinable with Lumley, directed to a promotional video system which may include an interactive electronic television program guide which furthermore does not teach, suggest or imply either streaming or the use of a cache as required by claim 1 of the instant invention.

The Examiner has rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Burns U. S. 5,991,306 in view of Lumley U. S. 6,588,013 as applied to claim 1 above, and further in view of Omoigui U. S. 2005/0076378.

The Examiner contends as for claim 2, Burns and Lumley disclose a streaming media publishing system but fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

The Examiner further contends that Omoigui is analogous art and discloses that the streaming media presentation at paragraph 19, lines 1-7 is searchable using the metadata (descriptive presentation information) integrated with the video and audio, citing paragraph 22, lines 1-7, for the benefit of searching for a particular media presentation, citing paragraph 22, lines 5-7.

The Examiner concludes that it would have been obvious to one of ordinary skill in the art to modify the combined system of Burns and Lumley to include searchable

streaming media presentation using metadata, as taught by Omoigui, for the benefit of searching for a particular media presentation as seen in paragraph 22, lines 5-7.

Applicants again respectfully contend that in Omoigui at paragraph 19, lines 1-7, paragraph 22, lines 1-7 and paragraph 22, lines 5-7 there is not taught, suggested or implied a searchable streaming media presentation using metadata integrated with video and audio as required by claim 2 of the instant invention.

Furthermore, Applicants again respectfully submit that for the reasons recited above, Burns is not properly combinable with Lumley and, further, that Omoigui is not combinable with either of Burns or Lumley since it is directed to a network client server system where live presentations can be streamed from an encoder or other server to a client computer, is primarily directed to use in the Internet and not satellite, does not require a cache for receiving and storing the transmitted streaming media presentation as required by element 4 of claim 1, nor is it used in combination with the content processing center of element 2 of claim 1, and fails to meet the requirements of the source media content in element 1 of claim 1 and the client personal computers in element 5 of claim 1.

Applicants again take the position that Burns is not properly combinable with Lumley because one of ordinary skill in the art would not be motivated to do so and there is no suggestion or implication in either reference that they be combined and, further, Omoigui would not provide a basis for one of ordinary skill in the art to combine it with either of Burns or Lumley for the reasons recited above.

Notwithstanding the above arguments, Applicants again respectfully submit that Omoigui does not appear to be an effective reference since it is a publication based on an earlier filed patent application which apparently has not been published or granted. Clarification is respectfully requested.

The Examiner has rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Burns U. S. 5,991,306 in view of Nagai U. S. 6,795,092.

The Examiner states regarding claim 3, Burns discloses a streaming media publishing method (Figure 2) comprising the steps of: selectively processing graphics and text associated with a streaming media presentation to create a dynamic hypertext markup language (HTML) page (col. 5, line 66 – col. 6, line 7) corresponding thereto; processing video and audio (col. 5, line 66 – col. 6, line 1) to extract metadata associated with the presentation (hyperlinks for hypermedia document to various data items, such as video and audio – col. 6, lines 1-7 and col. 9, lines 42-50); encoding the video, audio, and metadata in a predetermined format (the media content has to inherently be formatted/encoded for suitable transmission); integrating static HTML page with encoded video, audio, and metadata (since the content server multicasts HTML pages: web pages, that links text, audio, and video, and the media content has to inherently be formatted/encoded for

suitable transmission, the HTML is inherently integrated with the streaming media before multicasting – col. 5, line 66 – col. 6, line 7); transmitting the streaming media presentation comprising the integrated static HTML page and encoded video, audio, and metadata to a remotely located cache server where it is stored (col. 6, lines 22-25 and 56-65); accessing and viewing the streaming media presentation using web browser software disposed on a personal computer coupled to the cache server (col. 6, lines 1-7 and 48-65).

The Examiner contends that Burns fails to disclose converting the dynamic HTML page into a static HTML page.

The Examiner states in analogous art, Nagai discloses converting the dynamic HTML page into a static HTML page for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (col. 6, lines 39-43 and col. 7, lines 50-52).

The Examiner concludes it would have been obvious to one of ordinary skill in the art to modify Burns' method to include converting the dynamic HTML page into a static HTML page, as taught by Nagai, for the benefit of generating a static digest/summary of a multimedia from a plurality of media data (col. 6, lines 39-43 and col. 7, lines 50-52).

Applicants again respectfully submit that in Nagai, col. 6, lines 39-43, it is disclosed "In order to generate a static digest, the representative time is determined from the selected scenes, and the media data set to be produced at that time is obtained. In this embodiment, an HTML file is used as the digest, and audio data is not used for the digest." At col. 7, lines 50-52 there is disclosed "The multimedia data restructuring unit outputs data of the HTML format. It is therefore possible to obtain a static HTML contents from dynamic contents."

Applicants again respectfully submit that these recitations relied upon by the Examiner neither teach, suggest nor imply converting the dynamic HTML page into a static HTML page as required by element 2 of claim 3 which calls for processing video and audio to extract metadata associated with the presentation, encoding the video, audio and metadata in a predetermined video format, converting the dynamic HTML page into a static HTML page, integrating the static HTML page with the encoded video, audio and metadata, transmitting the streaming media presentation comprising the integrated static HTML page and encoded video, audio and metadata to a remotely located cache server where it is stored.

Applicants restate the lack of proper foundation or motivation to combine Burns with Nagai since, absent the conversion of the dynamic HTML page into a static HTML page recitation in Nagai, there is no teaching, suggestion or implication of the other interrelated steps which encompass the converting of the dynamic to the static HTML page, and furthermore Burns is not analogous to Nagai since it is directed to a network system which includes a content provider connected to a local service provider via an interactive

distribution network such as the Internet, where Nagai is directed to a conventional partial data reproduction method proposed which can be applied to a document constituted of a single media data type but cannot be applied to a document constituted of plural types of media data including still image data, text image data and the like and reproduction control information for the media data.

Therefore, Applicants again respectfully disagree that it would have been obvious to one of ordinary skill in the art to modify Burns' method to include converting the dynamic HTML page into a static HTML page, as taught by Nagai and contended by the Examiner, for the benefit of generating a static digest/summary of a multimedia from a plurality of media data, citing col. 6, lines 39-43 and col. 7, lines 50-52.

The Examiner states regarding claim 4, Burns and Nagai meet the claimed limitation. In particular, Burns discloses that streaming media presentation is transmitted over a satellite link (54 in Figure 1 and col. 6, lines 22-25).

Applicants again respectfully submit that claim 4 has been shown to be patentably distinguishable over Burns for reasons recited above which include inter alia the use of a primary Internet network and secondary satellite network and label 54 of Figure 1 and accompanying discussion at col. 6, lines 22-25 do little to cure this deficiency.

The Examiner has rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Burns U. S. 5,991,306 in view of Nagai U. S. 6,795,092 as applied to claim 3 above, and further in view of Omoigui U. S. 2005/0076378.

The Examiner states as for claim 5, Burns and Nagai disclose a streaming media publishing system but fail to disclose that the streaming media presentation is searchable using the metadata integrated with the video and audio.

The Examiner contends that in analogous art, Omoigui discloses that the streaming media presentation (paragraph 19, lines 1-7) is searchable using the metadata (descriptive presentation information) for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

The Examiner concludes it would have been obvious to one of ordinary skill in the art to modify the combined method of Burns and Nagai to include searchable streaming media presentation using metadata, as taught by Omoigui, for the benefit of searching for a particular media presentation (paragraph 22, lines 5-7).

Applicants again respectfully submit that claim 5 has been seen to be patentably distinguishable over Burns in view of Nagai as applied to claim 3 above and further in view of Omoigui for reasons recited above which are hereby respectfully incorporated by reference.

Applicants again have respectfully submitted that these references, in addition to not being properly combinable to meet claim 5, there being no suggestion or implication in

any of them to combine with each of the others or any motivation of one of ordinary skill in the art to do so, none of these references, alone or in any combination, recite the method as recited in claim 5 which is that as recited in claim 3, further comprising the step of searching the streaming media presentation using metadata contained within the presentation.

Applicants again therefore respectfully disagree, for the reasons recited above with regard to the patentability of claim 5 over Burns, Nagai and Omoigui, that it would have been obvious to one of ordinary skill in the art to modify the combined method of Burns and Nagai to include searchable streaming media presentation using metadata as taught by Omoigui for the benefit of searching for a particular media presentation.

In view of the above remarks, Applicants respectfully submit that all of the claims presently under prosecution have been shown to contain patentable subject matter and to be patentably distinguishable over the prior art of record, including Burns, Lumley, Omoigui and Nagai, alone or in any combination.

Accordingly, Applicants respectfully request that this application be reviewed and reconsidered in view of the above remarks and that a Notice of Allowance be issued at an early date.

Respectfully submitted



Anthony W. Karambelas
Registration No. 25,657

Karambelas & Associates
655 Deep Valley Drive, Suite 303
Rolling Hills Estates, CA 90274
Telephone: (310) 265-9565
Facsimile: (310) 265-9545